

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ANDRE ANTROBUS,

Plaintiff,

-against-

NEW YORK CITY, et al.,

Defendants.

22-CV-8822 (LTS)

ORDER

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff filed this action *pro se*. On April 25, 2023, the Court dismissed this action without prejudice because Plaintiff did not submit a signature page for the complaint as directed.<sup>1</sup> Both the order of dismissal and judgment were entered the next day. On May 19, 2023, the Court received from Plaintiff a notice of appeal and a motion for an extension of time to file a notice of appeal under Rule 4(a)(5) of the Federal Rules of Appellate Procedure.<sup>2</sup> (ECF10, 11.)

The Court denies Plaintiff's motion for an extension of time to file a notice of appeal. A litigant has 30 days from entry of the order or judgment he wishes to challenge to file a notice of appeal. Fed. R. App. P. 4(a)(1)(A). Because Plaintiff timely filed his notice of appeal within 30 days after entry of the April 25, 2023, judgment, the Court denies the motion for an extension of time to file a notice of appeal as unnecessary.

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<sup>1</sup> On March 14, 2023, the Court directed Plaintiff, within 30 days, to submit a signature page for the complaint with an original signature. On April 5, 2023, the order was returned to the Court with a notation on the envelope indicating that the mail was not deliverable because Plaintiff was no longer held at Mid-Hudson Forensic Psychiatric Center. Plaintiff had not provided a change of his mailing address.

<sup>2</sup> On May 22, 2023, the Court transmitted the notice of appeal to the United States Court of Appeals for the Second Circuit.

### CONCLUSION

The Court denies Plaintiff's motion for an extension of time to file a notice of appeal (ECF 10) as unnecessary because Plaintiff's notice of appeal (ECF 11) is timely.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: May 23, 2023  
New York, New York

/s/ Laura Taylor Swain

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LAURA TAYLOR SWAIN  
Chief United States District Judge